
HOUSE BILL 1744

State of Washington

67th Legislature

2022 Regular Session

By Representatives Dolan, Harris, Leavitt, Senn, Ryu, J. Johnson, Chambers, Davis, Macri, Corry, Tharinger, Valdez, and Frame

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1 AN ACT Relating to collaborative arrangements between
2 institutions of higher education and nonprofit private entities that
3 provide comprehensive cancer care; amending RCW 42.56.010, 43.09.290,
4 41.40.010, 41.56.030, 41.80.005, 42.30.020, 39.26.010, 41.06.020, and
5 42.17A.005; reenacting and amending RCW 42.52.010; adding a new
6 section to chapter 28B.10 RCW; adding a new section to chapter 36.01
7 RCW; adding a new section to chapter 35.21 RCW; adding a new section
8 to chapter 35A.21 RCW; and creating a new section.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington
11 benefits from its outstanding university research and health care
12 delivery for cancer patients. The legislature finds that Washington
13 state's citizens and its economy are benefited from the ability to
14 attract and retain private, not-for-profit cancer research and health
15 care delivery institutions. The legislature finds it is in the
16 interest of the citizens of the state of Washington to promote
17 collaboration between public universities and private not-for-profit
18 entities in health care that will provide the highest level of cancer
19 care for patients and advance the prevention, treatment, and cure of
20 cancer through advanced research. The legislature intends to foster
21 the development of cooperative and collaborative arrangements between

1 institutions of higher education and private nonprofit comprehensive
2 cancer centers, for the effective and efficient delivery of cancer-
3 related clinical care and as a platform to further advance cancer-
4 related education and research.

5 (2) Further, the legislature intends that private nonprofit
6 comprehensive cancer centers are not hindered in entering into such
7 collaborations that would benefit the state of Washington and its
8 residents by the application of certain laws governing state
9 agencies.

10 (3) The legislature intends that private nonprofit comprehensive
11 cancer centers in such collaborative arrangements are not state
12 entities, or quasi-government entities, as a result of any such
13 collaborative arrangement so long as the parties to the collaborative
14 arrangement operate in conformance with section 2 of this act. The
15 legislature further intends that employees of such private nonprofit
16 entities are not state employees as a result of the collaboration so
17 long as the parties to the collaborative arrangement operate in
18 conformance with section 2 of this act.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10
20 RCW to read as follows:

21 (1) To facilitate a public-private collaborative arrangement
22 between a comprehensive cancer center and an institution of higher
23 education and maintain the independence of the comprehensive cancer
24 center as a nonprofit private entity, a comprehensive cancer center
25 that is operated in conformance with subsection (3) of this section
26 is not:

27 (a) A state agency, state employer, quasi-government entity, or
28 the functional equivalent of a state entity for any purpose under
29 Washington law;

30 (b) Subject to any obligation or duty of a state agency, state
31 employer, or quasi-government entity under any Washington law; and

32 (c) Subject to state laws or rules and local ordinances,
33 resolutions, or rules specifically applicable to state agencies
34 solely because of an entity's status as a state agency, but is
35 subject to generally applicable state laws and rules and local
36 ordinances, resolutions, and rules.

37 (2) Employees of a comprehensive cancer center that is operated
38 in conformance with subsection (3) of this section are not employees

1 of a state agency, nor have any right or entitlement to any benefits
2 conferred upon employees of a state agency.

3 (3) (a) For purposes of this act, and to ensure that a
4 comprehensive cancer center maintains its character as a nonpublic
5 entity, a comprehensive cancer center must not:

6 (i) Perform an exclusively governmental function, but perform
7 cancer research and medical treatment that are traditionally
8 performed by both governmental and nongovernmental entities;

9 (ii) Receive a majority of its operations funding from the
10 government of the state of Washington or its agencies or
11 institutions, but perform research and medical services under
12 contract to both governmental and nongovernmental entities;

13 (iii) Be subject to day-to-day management by any state agency or
14 institution of higher education; and

15 (iv) Be created solely by a state agency or an institution of
16 higher education.

17 (b) For purposes of this act, and to ensure that the employees of
18 a comprehensive cancer center are at no times employees of a state
19 agency or institution of higher education, state employer, quasi-
20 government entity, or the functional equivalent of a state entity, no
21 state agency or institution of higher education, nor the employees,
22 designees, or agents of a state agency or institution of higher
23 education, may:

24 (i) Directly exercise employer management over comprehensive
25 cancer center employees' day-to-day operation of the comprehensive
26 cancer center;

27 (ii) Solely determine the compensation, benefits, and working
28 conditions of comprehensive cancer center employees for their
29 comprehensive cancer center employment; or

30 (iii) Engage in collective bargaining, the ratification of
31 collective bargaining agreements as an employer, or other discussion
32 with the exclusive bargaining representatives of the employees of a
33 comprehensive cancer center related to comprehensive cancer center
34 employees.

35 (4) For the purposes of this act, the following definitions
36 apply:

37 (a) "Collaborative arrangement" means a written arrangement
38 between a comprehensive cancer center and an institution of higher
39 education, through which the cancer care programs of the

1 comprehensive cancer center and institution of higher education will
2 be aligned and managed.

3 (b) "Comprehensive cancer center" means a comprehensive cancer
4 center as defined in RCW 82.04.4265 that enters into a collaborative
5 arrangement with an institution of higher education and is operated
6 in conformance with this section.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.01
8 RCW to read as follows:

9 No county may enact, enforce, or maintain an ordinance,
10 regulation, or rule that regulates or otherwise treats a
11 comprehensive cancer center participating in a collaborative
12 arrangement as defined in section 2 of this act that is operated in
13 conformance with section 2 of this act as a state agency. Such a
14 comprehensive cancer center is still subject to ordinances,
15 regulations, and rules that are generally applicable in nature.

16 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21
17 RCW to read as follows:

18 No city or town may enact, enforce, or maintain an ordinance,
19 regulation, or rule that regulates or otherwise treats a
20 comprehensive cancer center participating in a collaborative
21 arrangement as defined in section 2 of this act that is operated in
22 conformance with section 2 of this act as a state agency. Such a
23 comprehensive cancer center is still subject to ordinances,
24 regulations, and rules that are generally applicable in nature.

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 35A.21
26 RCW to read as follows:

27 No code city may enact, enforce, or maintain an ordinance,
28 regulation, or rule that regulates or otherwise treats a
29 comprehensive cancer center participating in a collaborative
30 arrangement as defined in section 2 of this act that is operated in
31 conformance with section 2 of this act as a state agency. Such a
32 comprehensive cancer center is still subject to ordinances,
33 regulations, and rules that are generally applicable in nature.

34 **Sec. 6.** RCW 42.56.010 and 2017 c 303 s 1 are each amended to
35 read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Agency" includes all state agencies and all local agencies.
4 "State agency" includes every state office, department, division,
5 bureau, board, commission, or other state agency. "Local agency"
6 includes every county, city, town, municipal corporation, quasi-
7 municipal corporation, or special purpose district, or any office,
8 department, division, bureau, board, commission, or agency thereof,
9 or other local public agency. "Agency" does not include a
10 comprehensive cancer center participating in a collaborative
11 arrangement as defined in section 2 of this act that is operated in
12 conformance with section 2 of this act.

13 (2) "Person in interest" means the person who is the subject of a
14 record or any representative designated by that person, except that
15 if that person is under a legal disability, "person in interest"
16 means and includes the parent or duly appointed legal representative.

17 (3) "Public record" includes any writing containing information
18 relating to the conduct of government or the performance of any
19 governmental or proprietary function prepared, owned, used, or
20 retained by any state or local agency regardless of physical form or
21 characteristics. For the office of the secretary of the senate and
22 the office of the chief clerk of the house of representatives, public
23 records means legislative records as defined in RCW 40.14.100 and
24 also means the following: All budget and financial records; personnel
25 leave, travel, and payroll records; records of legislative sessions;
26 reports submitted to the legislature; and any other record designated
27 a public record by any official action of the senate or the house of
28 representatives. This definition does not include records that are
29 not otherwise required to be retained by the agency and are held by
30 volunteers who:

31 (a) Do not serve in an administrative capacity;

32 (b) Have not been appointed by the agency to an agency board,
33 commission, or internship; and

34 (c) Do not have a supervisory role or delegated agency authority.

35 (4) "Writing" means handwriting, typewriting, printing,
36 photostating, photographing, and every other means of recording any
37 form of communication or representation including, but not limited
38 to, letters, words, pictures, sounds, or symbols, or combination
39 thereof, and all papers, maps, magnetic or paper tapes, photographic
40 films and prints, motion picture, film and video recordings, magnetic

1 or punched cards, discs, drums, diskettes, sound recordings, and
2 other documents including existing data compilations from which
3 information may be obtained or translated.

4 **Sec. 7.** RCW 43.09.290 and 1995 c 301 s 21 are each amended to
5 read as follows:

6 For the purposes of RCW 43.09.290 through 43.09.340 and 43.09.410
7 through 43.09.418, post-audit means an audit of the books, records,
8 funds, accounts, and financial transactions of a state agency for a
9 complete fiscal period; pre-audit means all other audits and
10 examinations; state agency means elective officers and offices, and
11 every other office, officer, department, board, council, committee,
12 commission, or authority of the state government now existing or
13 hereafter created, supported, wholly or in part, by appropriations
14 from the state treasury or funds under its control, or by the levy,
15 assessment, collection, or receipt of fines, penalties, fees,
16 licenses, sales of commodities, service charges, rentals, grants-in-
17 aid, or other income provided by law, and all state educational,
18 penal, reformatory, charitable, eleemosynary, or other institutions,
19 supported, wholly or in part, by appropriations from the state
20 treasury or funds under its control, but not including a
21 comprehensive cancer center participating in a collaborative
22 arrangement as defined in section 2 of this act that is operated in
23 conformance with section 2 of this act.

24 **Sec. 8.** RCW 41.40.010 and 2021 c 12 s 7 are each amended to read
25 as follows:

26 As used in this chapter, unless a different meaning is plainly
27 required by the context:

28 (1) "Accumulated contributions" means the sum of all
29 contributions standing to the credit of a member in the member's
30 individual account, including any amount paid under RCW 41.50.165(2),
31 together with the regular interest thereon.

32 (2) "Actuarial equivalent" means a benefit of equal value when
33 computed upon the basis of such mortality and other tables as may be
34 adopted by the director.

35 (3) "Adjustment ratio" means the value of index A divided by
36 index B.

1 (4) "Annual increase" means, initially, fifty-nine cents per
2 month per year of service which amount shall be increased each July
3 1st by three percent, rounded to the nearest cent.

4 (5) "Annuity" means payments for life derived from accumulated
5 contributions of a member. All annuities shall be paid in monthly
6 installments.

7 (6) (a) "Average final compensation" for plan 1 members, means the
8 annual average of the greatest compensation earnable by a member
9 during any consecutive two year period of service credit months for
10 which service credit is allowed; or if the member has less than two
11 years of service credit months then the annual average compensation
12 earnable during the total years of service for which service credit
13 is allowed.

14 (b) "Average final compensation" for plan 2 and plan 3 members,
15 means the member's average compensation earnable of the highest
16 consecutive sixty months of service credit months prior to such
17 member's retirement, termination, or death. Periods constituting
18 authorized leaves of absence may not be used in the calculation of
19 average final compensation except under RCW 41.40.710(2) or (c) of
20 this subsection.

21 (c) In calculating average final compensation under this
22 subsection for a member of plan 1, 2, or 3, the department of
23 retirement systems shall include:

24 (i) Any compensation forgone by the member during the 2009-2011
25 fiscal biennium as a result of reduced work hours, voluntary leave
26 without pay, temporary reduction in pay implemented prior to December
27 11, 2010, or temporary furloughs if the reduced compensation is an
28 integral part of the employer's expenditure reduction efforts, as
29 certified by the employer;

30 (ii) Any compensation forgone by a member employed by the state
31 or a local government during the 2011-2013 fiscal biennium as a
32 result of reduced work hours, mandatory leave without pay, temporary
33 layoffs, or reductions to current pay if the reduced compensation is
34 an integral part of the employer's expenditure reduction efforts, as
35 certified by the employer. Reductions to current pay shall not
36 include elimination of previously agreed upon future salary
37 increases; and

38 (iii) Any compensation forgone by a member during the 2019-2021
39 and 2021-2023 fiscal biennia as a result of reduced work hours,
40 mandatory leave without pay, temporary layoffs, furloughs, reductions

1 to current pay, or other similar measures resulting from the COVID-19
2 budgetary crisis, if the reduced compensation is an integral part of
3 the employer's expenditure reduction efforts, as certified by the
4 employer. Reductions to current pay shall not include elimination of
5 previously agreed upon future salary increases.

6 (7) (a) "Beneficiary" for plan 1 members, means any person in
7 receipt of a retirement allowance, pension or other benefit provided
8 by this chapter.

9 (b) "Beneficiary" for plan 2 and plan 3 members, means any person
10 in receipt of a retirement allowance or other benefit provided by
11 this chapter resulting from service rendered to an employer by
12 another person.

13 (8) (a) "Compensation earnable" for plan 1 members, means salaries
14 or wages earned during a payroll period for personal services and
15 where the compensation is not all paid in money, maintenance
16 compensation shall be included upon the basis of the schedules
17 established by the member's employer.

18 (i) "Compensation earnable" for plan 1 members also includes the
19 following actual or imputed payments, which are not paid for personal
20 services:

21 (A) Retroactive payments to an individual by an employer on
22 reinstatement of the employee in a position, or payments by an
23 employer to an individual in lieu of reinstatement in a position
24 which are awarded or granted as the equivalent of the salary or wage
25 which the individual would have earned during a payroll period shall
26 be considered compensation earnable and the individual shall receive
27 the equivalent service credit;

28 (B) If a leave of absence is taken by an individual for the
29 purpose of serving in the state legislature, the salary which would
30 have been received for the position from which the leave of absence
31 was taken, shall be considered as compensation earnable if the
32 employee's contribution is paid by the employee and the employer's
33 contribution is paid by the employer or employee;

34 (C) Assault pay only as authorized by RCW 27.04.100, 72.01.045,
35 and 72.09.240;

36 (D) Compensation that a member would have received but for a
37 disability occurring in the line of duty only as authorized by RCW
38 41.40.038;

1 (E) Compensation that a member receives due to participation in
2 the leave sharing program only as authorized by RCW 41.04.650 through
3 41.04.670; and

4 (F) Compensation that a member receives for being in standby
5 status. For the purposes of this section, a member is in standby
6 status when not being paid for time actually worked and the employer
7 requires the member to be prepared to report immediately for work, if
8 the need arises, although the need may not arise.

9 (ii) "Compensation earnable" does not include:

10 (A) Remuneration for unused sick leave authorized under RCW
11 41.04.340, 28A.400.210, or 28A.310.490;

12 (B) Remuneration for unused annual leave in excess of (~~thirty~~
13 ~~days~~) 240 hours as authorized by RCW 43.01.044 and 43.01.041.

14 (b) "Compensation earnable" for plan 2 and plan 3 members, means
15 salaries or wages earned by a member during a payroll period for
16 personal services, including overtime payments, and shall include
17 wages and salaries deferred under provisions established pursuant to
18 sections 403(b), 414(h), and 457 of the United States Internal
19 Revenue Code, but shall exclude nonmoney maintenance compensation and
20 lump sum or other payments for deferred annual sick leave, unused
21 accumulated vacation, unused accumulated annual leave, or any form of
22 severance pay.

23 "Compensation earnable" for plan 2 and plan 3 members also
24 includes the following actual or imputed payments, which are not paid
25 for personal services:

26 (i) Retroactive payments to an individual by an employer on
27 reinstatement of the employee in a position, or payments by an
28 employer to an individual in lieu of reinstatement in a position
29 which are awarded or granted as the equivalent of the salary or wage
30 which the individual would have earned during a payroll period shall
31 be considered compensation earnable to the extent provided above, and
32 the individual shall receive the equivalent service credit;

33 (ii) In any year in which a member serves in the legislature, the
34 member shall have the option of having such member's compensation
35 earnable be the greater of:

36 (A) The compensation earnable the member would have received had
37 such member not served in the legislature; or

38 (B) Such member's actual compensation earnable received for
39 nonlegislative public employment and legislative service combined.
40 Any additional contributions to the retirement system required

1 because compensation earnable under (b)(ii)(A) of this subsection is
2 greater than compensation earnable under (b)(ii)(B) of this
3 subsection shall be paid by the member for both member and employer
4 contributions;

5 (iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045,
6 and 72.09.240;

7 (iv) Compensation that a member would have received but for a
8 disability occurring in the line of duty only as authorized by RCW
9 41.40.038;

10 (v) Compensation that a member receives due to participation in
11 the leave sharing program only as authorized by RCW 41.04.650 through
12 41.04.670; and

13 (vi) Compensation that a member receives for being in standby
14 status. For the purposes of this section, a member is in standby
15 status when not being paid for time actually worked and the employer
16 requires the member to be prepared to report immediately for work, if
17 the need arises, although the need may not arise.

18 (9) "Department" means the department of retirement systems
19 created in chapter 41.50 RCW.

20 (10) "Director" means the director of the department.

21 (11) "Eligible position" means:

22 (a) Any position that, as defined by the employer, normally
23 requires five or more months of service a year for which regular
24 compensation for at least seventy hours is earned by the occupant
25 thereof. For purposes of this chapter an employer shall not define
26 "position" in such a manner that an employee's monthly work for that
27 employer is divided into more than one position;

28 (b) Any position occupied by an elected official or person
29 appointed directly by the governor, or appointed by the chief justice
30 of the supreme court under RCW 2.04.240(2) or 2.06.150(2), for which
31 compensation is paid.

32 (12) "Employee" or "employed" means a person who is providing
33 services for compensation to an employer, unless the person is free
34 from the employer's direction and control over the performance of
35 work. The department shall adopt rules and interpret this subsection
36 consistent with common law.

37 (13)(a) "Employer" for plan 1 members, means every branch,
38 department, agency, commission, board, and office of the state, any
39 political subdivision or association of political subdivisions of the
40 state admitted into the retirement system, and legal entities

1 authorized by RCW 35.63.070 and 36.70.060 or chapter 39.34 RCW; and
2 the term shall also include any labor guild, association, or
3 organization the membership of a local lodge or division of which is
4 comprised of at least forty percent employees of an employer (other
5 than such labor guild, association, or organization) within this
6 chapter. The term may also include any city of the first class that
7 has its own retirement system.

8 (b) "Employer" for plan 2 and plan 3 members, means every branch,
9 department, agency, commission, board, and office of the state, and
10 any political subdivision and municipal corporation of the state
11 admitted into the retirement system, including public agencies
12 created pursuant to RCW 35.63.070, 36.70.060, and 39.34.030; except
13 that after August 31, 2000, school districts and educational service
14 districts will no longer be employers for the public employees'
15 retirement system plan 2.

16 (c) Except as otherwise specifically provided in this chapter,
17 "employer" does not include a government contractor. For purposes of
18 this subsection, a "government contractor" is any entity, including a
19 partnership, limited liability company, for-profit or nonprofit
20 corporation, or person, that provides services pursuant to a contract
21 with an "employer." The determination whether an employer-employee
22 relationship has been established is not based on the relationship
23 between a government contractor and an "employer," but is based
24 solely on the relationship between a government contractor's employee
25 and an "employer" under this chapter.

26 (d) "Employer" does not include a comprehensive cancer center
27 participating in a collaborative arrangement as defined in section 2
28 of this act that is operated in conformance with section 2 of this
29 act.

30 (14) "Final compensation" means the annual rate of compensation
31 earnable by a member at the time of termination of employment.

32 (15) "Index" means, for any calendar year, that year's annual
33 average consumer price index, Seattle, Washington area, for urban
34 wage earners and clerical workers, all items, compiled by the bureau
35 of labor statistics, United States department of labor.

36 (16) "Index A" means the index for the year prior to the
37 determination of a postretirement adjustment.

38 (17) "Index B" means the index for the year prior to index A.

39 (18) "Index year" means the earliest calendar year in which the
40 index is more than sixty percent of index A.

1 (19) "Ineligible position" means any position which does not
2 conform with the requirements set forth in subsection (11) of this
3 section.

4 (20) "Leave of absence" means the period of time a member is
5 authorized by the employer to be absent from service without being
6 separated from membership.

7 (21) "Member" means any employee included in the membership of
8 the retirement system, as provided for in RCW 41.40.023. RCW
9 41.26.045 does not prohibit a person otherwise eligible for
10 membership in the retirement system from establishing such membership
11 effective when he or she first entered an eligible position.

12 (22) "Member account" or "member's account" for purposes of plan
13 3 means the sum of the contributions and earnings on behalf of the
14 member in the defined contribution portion of plan 3.

15 (23) "Membership service" means:

16 (a) All service rendered, as a member, after October 1, 1947;

17 (b) All service after October 1, 1947, to any employer prior to
18 the time of its admission into the retirement system for which member
19 and employer contributions, plus interest as required by RCW
20 41.50.125, have been paid under RCW 41.40.056 or 41.40.057;

21 (c) Service not to exceed six consecutive months of probationary
22 service rendered after April 1, 1949, and prior to becoming a member,
23 in the case of any member, upon payment in full by such member of the
24 total amount of the employer's contribution to the retirement fund
25 which would have been required under the law in effect when such
26 probationary service was rendered if the member had been a member
27 during such period, except that the amount of the employer's
28 contribution shall be calculated by the director based on the first
29 month's compensation earnable as a member;

30 (d) Service not to exceed six consecutive months of probationary
31 service, rendered after October 1, 1947, and before April 1, 1949,
32 and prior to becoming a member, in the case of any member, upon
33 payment in full by such member of five percent of such member's
34 salary during said period of probationary service, except that the
35 amount of the employer's contribution shall be calculated by the
36 director based on the first month's compensation earnable as a
37 member.

38 (24) "New member" means a person who becomes a member on or after
39 April 1, 1949, except as otherwise provided in this section.

40 (25) "Original member" of this retirement system means:

1 (a) Any person who became a member of the system prior to April
2 1, 1949;

3 (b) Any person who becomes a member through the admission of an
4 employer into the retirement system on and after April 1, 1949, and
5 prior to April 1, 1951;

6 (c) Any person who first becomes a member by securing employment
7 with an employer prior to April 1, 1951, provided the member has
8 rendered at least one or more years of service to any employer prior
9 to October 1, 1947;

10 (d) Any person who first becomes a member through the admission
11 of an employer into the retirement system on or after April 1, 1951,
12 provided, such person has been in the regular employ of the employer
13 for at least six months of the twelve-month period preceding the said
14 admission date;

15 (e) Any member who has restored all contributions that may have
16 been withdrawn as provided by RCW 41.40.150 and who on the effective
17 date of the individual's retirement becomes entitled to be credited
18 with ten years or more of membership service except that the
19 provisions relating to the minimum amount of retirement allowance for
20 the member upon retirement at age seventy as found in RCW
21 41.40.190(4) shall not apply to the member;

22 (f) Any member who has been a contributor under the system for
23 two or more years and who has restored all contributions that may
24 have been withdrawn as provided by RCW 41.40.150 and who on the
25 effective date of the individual's retirement has rendered five or
26 more years of service for the state or any political subdivision
27 prior to the time of the admission of the employer into the system;
28 except that the provisions relating to the minimum amount of
29 retirement allowance for the member upon retirement at age seventy as
30 found in RCW 41.40.190(4) shall not apply to the member.

31 (26) "Pension" means payments for life derived from contributions
32 made by the employer. All pensions shall be paid in monthly
33 installments.

34 (27) "Plan 1" means the public employees' retirement system, plan
35 1 providing the benefits and funding provisions covering persons who
36 first became members of the system prior to October 1, 1977.

37 (28) "Plan 2" means the public employees' retirement system, plan
38 2 providing the benefits and funding provisions covering persons who
39 first became members of the system on and after October 1, 1977, and
40 are not included in plan 3.

1 (29) "Plan 3" means the public employees' retirement system, plan
2 3 providing the benefits and funding provisions covering persons who:

3 (a) First become a member on or after:

4 (i) March 1, 2002, and are employed by a state agency or
5 institute of higher education and who did not choose to enter plan 2;
6 or

7 (ii) September 1, 2002, and are employed by other than a state
8 agency or institute of higher education and who did not choose to
9 enter plan 2; or

10 (b) Transferred to plan 3 under RCW 41.40.795.

11 (30) "Prior service" means all service of an original member
12 rendered to any employer prior to October 1, 1947.

13 (31) "Regular interest" means such rate as the director may
14 determine.

15 (32) "Retiree" means any person who has begun accruing a
16 retirement allowance or other benefit provided by this chapter
17 resulting from service rendered to an employer while a member.

18 (33) "Retirement" means withdrawal from active service with a
19 retirement allowance as provided by this chapter.

20 (34) "Retirement allowance" means the sum of the annuity and the
21 pension.

22 (35) "Retirement system" means the public employees' retirement
23 system provided for in this chapter.

24 (36) "Separation from service" occurs when a person has
25 terminated all employment with an employer. Separation from service
26 or employment does not occur, and if claimed by an employer or
27 employee may be a violation of RCW 41.40.055, when an employee and
28 employer have a written or oral agreement to resume employment with
29 the same employer following termination. Mere expressions or
30 inquiries about postretirement employment by an employer or employee
31 that do not constitute a commitment to reemploy the employee after
32 retirement are not an agreement under this subsection.

33 (37)(a) "Service" for plan 1 members, except as provided in RCW
34 41.40.088, means periods of employment in an eligible position or
35 positions for one or more employers rendered to any employer for
36 which compensation is paid, and includes time spent in office as an
37 elected or appointed official of an employer. Compensation earnable
38 earned in full time work for seventy hours or more in any given
39 calendar month shall constitute one service credit month except as
40 provided in RCW 41.40.088. Compensation earnable earned for less than

1 seventy hours in any calendar month shall constitute one-quarter
2 service credit month of service except as provided in RCW 41.40.088.
3 Only service credit months and one-quarter service credit months
4 shall be counted in the computation of any retirement allowance or
5 other benefit provided for in this chapter. Any fraction of a year of
6 service shall be taken into account in the computation of such
7 retirement allowance or benefits. Time spent in standby status,
8 whether compensated or not, is not service.

9 (i) Service by a state employee officially assigned by the state
10 on a temporary basis to assist another public agency, shall be
11 considered as service as a state employee: PROVIDED, That service to
12 any other public agency shall not be considered service as a state
13 employee if such service has been used to establish benefits in any
14 other public retirement system.

15 (ii) An individual shall receive no more than a total of twelve
16 service credit months of service during any calendar year. If an
17 individual is employed in an eligible position by one or more
18 employers the individual shall receive no more than one service
19 credit month during any calendar month in which multiple service for
20 seventy or more hours is rendered.

21 (iii) A school district employee may count up to forty-five days
22 of sick leave as creditable service solely for the purpose of
23 determining eligibility to retire under RCW 41.40.180 as authorized
24 by RCW 28A.400.300. For purposes of plan 1 "forty-five days" as used
25 in RCW 28A.400.300 is equal to two service credit months. Use of less
26 than forty-five days of sick leave is creditable as allowed under
27 this subsection as follows:

28 (A) Less than twenty-two days equals one-quarter service credit
29 month;

30 (B) Twenty-two days equals one service credit month;

31 (C) More than twenty-two days but less than forty-five days
32 equals one and one-quarter service credit month.

33 (iv) Reduction efforts such as furloughs, reduced work hours,
34 mandatory leave without pay, temporary layoffs, or other similar
35 situations as contemplated by subsection (6)(c)(iii) of this section
36 do not result in a reduction in service credit that otherwise would
37 have been earned for that month of work, and the member shall receive
38 the full service credit for the hours that were scheduled to be
39 worked before the reduction.

1 (b) "Service" for plan 2 and plan 3 members, means periods of
2 employment by a member in an eligible position or positions for one
3 or more employers for which compensation earnable is paid.
4 Compensation earnable earned for ninety or more hours in any calendar
5 month shall constitute one service credit month except as provided in
6 RCW 41.40.088. Compensation earnable earned for at least seventy
7 hours but less than ninety hours in any calendar month shall
8 constitute one-half service credit month of service. Compensation
9 earnable earned for less than seventy hours in any calendar month
10 shall constitute one-quarter service credit month of service. Time
11 spent in standby status, whether compensated or not, is not service.

12 Any fraction of a year of service shall be taken into account in
13 the computation of such retirement allowance or benefits.

14 (i) Service in any state elective position shall be deemed to be
15 full time service, except that persons serving in state elective
16 positions who are members of the Washington school employees'
17 retirement system, teachers' retirement system, public safety
18 employees' retirement system, or law enforcement officers' and
19 firefighters' retirement system at the time of election or
20 appointment to such position may elect to continue membership in the
21 Washington school employees' retirement system, teachers' retirement
22 system, public safety employees' retirement system, or law
23 enforcement officers' and firefighters' retirement system.

24 (ii) A member shall receive a total of not more than twelve
25 service credit months of service for such calendar year. If an
26 individual is employed in an eligible position by one or more
27 employers the individual shall receive no more than one service
28 credit month during any calendar month in which multiple service for
29 ninety or more hours is rendered.

30 (iii) Up to forty-five days of sick leave may be creditable as
31 service solely for the purpose of determining eligibility to retire
32 under RCW 41.40.180 as authorized by RCW 28A.400.300. For purposes of
33 plan 2 and plan 3 "forty-five days" as used in RCW 28A.400.300 is
34 equal to two service credit months. Use of less than forty-five days
35 of sick leave is creditable as allowed under this subsection as
36 follows:

37 (A) Less than eleven days equals one-quarter service credit
38 month;

39 (B) Eleven or more days but less than twenty-two days equals one-
40 half service credit month;

1 (C) Twenty-two days equals one service credit month;

2 (D) More than twenty-two days but less than thirty-three days
3 equals one and one-quarter service credit month;

4 (E) Thirty-three or more days but less than forty-five days
5 equals one and one-half service credit month.

6 (iv) Reduction efforts such as furloughs, reduced work hours,
7 mandatory leave without pay, temporary layoffs, or other similar
8 situations as contemplated by subsection (6)(c)(iii) of this section
9 do not result in a reduction in service credit that otherwise would
10 have been earned for that month of work, and the member shall receive
11 the full service credit for the hours that were scheduled to be
12 worked before the reduction.

13 (38) "Service credit month" means a month or an accumulation of
14 months of service credit which is equal to one.

15 (39) "Service credit year" means an accumulation of months of
16 service credit which is equal to one when divided by twelve.

17 (40) "State actuary" or "actuary" means the person appointed
18 pursuant to RCW 44.44.010(2).

19 (41) "State elective position" means any position held by any
20 person elected or appointed to statewide office or elected or
21 appointed as a member of the legislature.

22 (42) "State treasurer" means the treasurer of the state of
23 Washington.

24 (43) "Totally incapacitated for duty" means total inability to
25 perform the duties of a member's employment or office or any other
26 work for which the member is qualified by training or experience.

27 **Sec. 9.** RCW 41.56.030 and 2021 c 13 s 7 are each amended to read
28 as follows:

29 As used in this chapter:

30 (1) "Adult family home provider" means a provider as defined in
31 RCW 70.128.010 who receives payments from the medicaid and state-
32 funded long-term care programs.

33 (2) "Bargaining representative" means any lawful organization
34 which has as one of its primary purposes the representation of
35 employees in their employment relations with employers.

36 (3) "Child care subsidy" means a payment from the state through a
37 child care subsidy program established pursuant to RCW 74.12.340, 45
38 C.F.R. Sec. 98.1 through 98.17, or any successor program.

1 (4) "Collective bargaining" means the performance of the mutual
2 obligations of the public employer and the exclusive bargaining
3 representative to meet at reasonable times, to confer and negotiate
4 in good faith, and to execute a written agreement with respect to
5 grievance procedures, subject to RCW 41.58.070, and collective
6 negotiations on personnel matters, including wages, hours, and
7 working conditions, which may be peculiar to an appropriate
8 bargaining unit of such public employer, except that by such
9 obligation neither party shall be compelled to agree to a proposal or
10 be required to make a concession unless otherwise provided in this
11 chapter.

12 (5) "Commission" means the public employment relations
13 commission.

14 (6) "Executive director" means the executive director of the
15 commission.

16 (7) "Family child care provider" means a person who: (a) Provides
17 regularly scheduled care for a child or children in the home of the
18 provider or in the home of the child or children for periods of less
19 than twenty-four hours or, if necessary due to the nature of the
20 parent's work, for periods equal to or greater than twenty-four
21 hours; (b) receives child care subsidies; and (c) under chapter
22 43.216 RCW, is either licensed by the state or is exempt from
23 licensing.

24 (8) "Fish and wildlife officer" means a fish and wildlife officer
25 as defined in RCW 77.08.010 who ranks below lieutenant and includes
26 officers, detectives, and sergeants of the department of fish and
27 wildlife.

28 (9) "Individual provider" means an individual provider as defined
29 in RCW 74.39A.240(3) who, solely for the purposes of collective
30 bargaining, is a public employee as provided in RCW 74.39A.270.

31 (10) "Institution of higher education" means the University of
32 Washington, Washington State University, Central Washington
33 University, Eastern Washington University, Western Washington
34 University, The Evergreen State College, and the various state
35 community colleges.

36 (11)(a) "Language access provider" means any independent
37 contractor who provides spoken language interpreter services, whether
38 paid by a broker, language access agency, or the respective
39 department:

1 (i) For department of social and health services appointments,
2 department of children, youth, and families appointments, medicaid
3 enrollee appointments, or who provided these services on or after
4 January 1, 2011, and before June 10, 2012;

5 (ii) For department of labor and industries authorized medical
6 and vocational providers who provided these services on or after
7 January 1, 2019; or

8 (iii) For state agencies who provided these services on or after
9 January 1, 2019.

10 (b) "Language access provider" does not mean a manager or
11 employee of a broker or a language access agency.

12 (12) "Public employee" means any employee of a public employer
13 except any person (a) elected by popular vote, or (b) appointed to
14 office pursuant to statute, ordinance or resolution for a specified
15 term of office as a member of a multimember board, commission, or
16 committee, whether appointed by the executive head or body of the
17 public employer, or (c) whose duties as deputy, administrative
18 assistant or secretary necessarily imply a confidential relationship
19 to (i) the executive head or body of the applicable bargaining unit,
20 or (ii) any person elected by popular vote, or (iii) any person
21 appointed to office pursuant to statute, ordinance or resolution for
22 a specified term of office as a member of a multimember board,
23 commission, or committee, whether appointed by the executive head or
24 body of the public employer, or (d) who is a court commissioner or a
25 court magistrate of superior court, district court, or a department
26 of a district court organized under chapter 3.46 RCW, or (e) who is a
27 personal assistant to a district court judge, superior court judge,
28 or court commissioner. For the purpose of (e) of this subsection, no
29 more than one assistant for each judge or commissioner may be
30 excluded from a bargaining unit.

31 (13) "Public employer" means any officer, board, commission,
32 council, or other person or body acting on behalf of any public body
33 governed by this chapter, or any subdivision of such public body. For
34 the purposes of this section, the public employer of district court
35 or superior court employees for wage-related matters is the
36 respective county legislative authority, or person or body acting on
37 behalf of the legislative authority, and the public employer for
38 nonwage-related matters is the judge or judge's designee of the
39 respective district court or superior court. For the purposes of this
40 chapter, public employer does not include a comprehensive cancer

1 center participating in a collaborative arrangement as defined in
2 section 2 of this act that is operated in conformance with section 2
3 of this act.

4 (14) "Uniformed personnel" means: (a) Law enforcement officers as
5 defined in RCW 41.26.030 employed by the governing body of any city
6 or town with a population of two thousand five hundred or more and
7 law enforcement officers employed by the governing body of any county
8 with a population of ten thousand or more; (b) correctional employees
9 who are uniformed and nonuniformed, commissioned and noncommissioned
10 security personnel employed in a jail as defined in RCW 70.48.020(9),
11 by a county with a population of seventy thousand or more, in a
12 correctional facility created under RCW 70.48.095, or in a detention
13 facility created under chapter 13.40 RCW that is located in a county
14 with a population over one million five hundred thousand, and who are
15 trained for and charged with the responsibility of controlling and
16 maintaining custody of inmates in the jail and safeguarding inmates
17 from other inmates; (c) general authority Washington peace officers
18 as defined in RCW 10.93.020 employed by a port district in a county
19 with a population of one million or more; (d) security forces
20 established under RCW 43.52.520; (e) firefighters as that term is
21 defined in RCW 41.26.030; (f) employees of a port district in a
22 county with a population of one million or more whose duties include
23 crash fire rescue or other firefighting duties; (g) employees of fire
24 departments of public employers who dispatch exclusively either fire
25 or emergency medical services, or both; (h) employees in the several
26 classes of advanced life support technicians, as defined in RCW
27 18.71.200, who are employed by a public employer; or (i) court
28 marshals of any county who are employed by, trained for, and
29 commissioned by the county sheriff and charged with the
30 responsibility of enforcing laws, protecting and maintaining security
31 in all county-owned or contracted property, and performing any other
32 duties assigned to them by the county sheriff or mandated by judicial
33 order.

34 **Sec. 10.** RCW 41.80.005 and 2021 c 180 s 1 are each amended to
35 read as follows:

36 Unless the context clearly requires otherwise, the definitions in
37 this section apply throughout this chapter.

38 (1) "Agency" means any agency as defined in RCW 41.06.020 and
39 covered by chapter 41.06 RCW. "Agency" also includes the assistant

1 attorneys general of the attorney general's office and the
2 administrative law judges of the office of administrative hearings,
3 regardless of whether those employees are exempt under chapter 41.06
4 RCW. "Agency" does not include a comprehensive cancer center
5 participating in a collaborative arrangement as defined in section 2
6 of this act that is operated in conformance with section 2 of this
7 act.

8 (2) "Collective bargaining" means the performance of the mutual
9 obligation of the representatives of the employer and the exclusive
10 bargaining representative to meet at reasonable times and to bargain
11 in good faith in an effort to reach agreement with respect to the
12 subjects of bargaining specified under RCW 41.80.020. The obligation
13 to bargain does not compel either party to agree to a proposal or to
14 make a concession, except as otherwise provided in this chapter.

15 (3) "Commission" means the public employment relations
16 commission.

17 (4) "Confidential employee" means an employee who, in the regular
18 course of his or her duties, assists in a confidential capacity
19 persons who formulate, determine, and effectuate management policies
20 with regard to labor relations or who, in the regular course of his
21 or her duties, has authorized access to information relating to the
22 effectuation or review of the employer's collective bargaining
23 policies, or who assists or aids a manager. "Confidential employee"
24 also includes employees who assist assistant attorneys general who
25 advise and represent managers or confidential employees in personnel
26 or labor relations matters.

27 (5) "Director" means the director of the public employment
28 relations commission.

29 (6) "Employee" means any employee, including employees whose work
30 has ceased in connection with the pursuit of lawful activities
31 protected by this chapter, covered by chapter 41.06 RCW. "Employee"
32 includes assistant attorneys general of the office of the attorney
33 general and administrative law judges of the office of administrative
34 hearings, regardless of their exemption under chapter 41.06 RCW.
35 "Employee" does not include:

36 (a) Employees covered for collective bargaining by chapter 41.56
37 RCW;

38 (b) Confidential employees;

39 (c) Members of the Washington management service;

40 (d) Internal auditors in any agency; or

1 (e) Any employee of the commission, the office of financial
2 management, or the office of risk management within the department of
3 enterprise services.

4 (7) "Employee organization" means any organization, union, or
5 association in which employees participate and that exists for the
6 purpose, in whole or in part, of collective bargaining with
7 employers.

8 (8) "Employer" means the state of Washington.

9 (9) "Exclusive bargaining representative" means any employee
10 organization that has been certified under this chapter as the
11 representative of the employees in an appropriate bargaining unit.

12 (10) "Institutions of higher education" means the University of
13 Washington, Washington State University, Central Washington
14 University, Eastern Washington University, Western Washington
15 University, The Evergreen State College, and the various state
16 community colleges.

17 (11) "Labor dispute" means any controversy concerning terms,
18 tenure, or conditions of employment, or concerning the association or
19 representation of persons in negotiating, fixing, maintaining,
20 changing, or seeking to arrange terms or conditions of employment
21 with respect to the subjects of bargaining provided in this chapter,
22 regardless of whether the disputants stand in the proximate relation
23 of employer and employee.

24 (12) "Manager" means "manager" as defined in RCW 41.06.022.

25 (13) "Supervisor" means an employee who has authority, in the
26 interest of the employer, to hire, transfer, suspend, lay off,
27 recall, promote, discharge, direct, reward, or discipline employees,
28 or to adjust employee grievances, or effectively to recommend such
29 action, if the exercise of the authority is not of a merely routine
30 nature but requires the consistent exercise of individual judgment.
31 However, no employee who is a member of the Washington management
32 service may be included in a collective bargaining unit established
33 under this section.

34 (14) "Unfair labor practice" means any unfair labor practice
35 listed in RCW 41.80.110.

36 (15) "Uniformed personnel" means duly sworn police officers
37 employed as members of a police force established pursuant to RCW
38 28B.10.550.

1 **Sec. 11.** RCW 42.30.020 and 1985 c 366 s 1 are each amended to
2 read as follows:

3 As used in this chapter unless the context indicates otherwise:

4 (1) "Public agency" means:

5 (a) Any state board, commission, committee, department,
6 educational institution, or other state agency which is created by or
7 pursuant to statute, other than courts and the legislature. This does
8 not include a comprehensive cancer center participating in a
9 collaborative arrangement as defined in section 2 of this act that is
10 operated in conformance with section 2 of this act;

11 (b) Any county, city, school district, special purpose district,
12 or other municipal corporation or political subdivision of the state
13 of Washington;

14 (c) Any subagency of a public agency which is created by or
15 pursuant to statute, ordinance, or other legislative act, including
16 but not limited to planning commissions, library or park boards,
17 commissions, and agencies;

18 (d) Any policy group whose membership includes representatives of
19 publicly owned utilities formed by or pursuant to the laws of this
20 state when meeting together as or on behalf of participants who have
21 contracted for the output of generating plants being planned or built
22 by an operating agency.

23 (2) "Governing body" means the multimember board, commission,
24 committee, council, or other policy or rule-making body of a public
25 agency, or any committee thereof when the committee acts on behalf of
26 the governing body, conducts hearings, or takes testimony or public
27 comment.

28 (3) "Action" means the transaction of the official business of a
29 public agency by a governing body including but not limited to
30 receipt of public testimony, deliberations, discussions,
31 considerations, reviews, evaluations, and final actions. "Final
32 action" means a collective positive or negative decision, or an
33 actual vote by a majority of the members of a governing body when
34 sitting as a body or entity, upon a motion, proposal, resolution,
35 order, or ordinance.

36 (4) "Meeting" means meetings at which action is taken.

37 **Sec. 12.** RCW 39.26.010 and 2015 c 79 s 5 are each amended to
38 read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "Agency" means any state office or activity of the executive
4 and judicial branches of state government, including state agencies,
5 departments, offices, divisions, boards, commissions, institutions of
6 higher education as defined in RCW 28B.10.016, and correctional and
7 other types of institutions. "Agency" does not include a
8 comprehensive cancer center participating in a collaborative
9 arrangement as defined in section 2 of this act that is operated in
10 conformance with section 2 of this act.

11 (2) "Bid" means an offer, proposal, or quote for goods or
12 services in response to a solicitation issued for such goods or
13 services by the department or an agency of Washington state
14 government.

15 (3) "Bidder" means an individual or entity who submits a bid,
16 quotation, or proposal in response to a solicitation issued for such
17 goods or services by the department or an agency of Washington state
18 government.

19 (4) "Client services" means services provided directly to agency
20 clients including, but not limited to, medical and dental services,
21 employment and training programs, residential care, and subsidized
22 housing.

23 (5) "Community rehabilitation program of the department of social
24 and health services" means any entity that:

25 (a) Is registered as a nonprofit corporation with the secretary
26 of state; and

27 (b) Is recognized by the department of social and health
28 services, division of vocational rehabilitation as eligible to do
29 business as a community rehabilitation program.

30 (6) "Competitive solicitation" means a documented formal process
31 providing an equal and open opportunity to bidders and culminating in
32 a selection based on predetermined criteria.

33 (7) "Contractor" means an individual or entity awarded a contract
34 with an agency to perform a service or provide goods.

35 (8) "Debar" means to prohibit a contractor, individual, or other
36 entity from submitting a bid, having a bid considered, or entering
37 into a state contract during a specified period of time as set forth
38 in a debarment order.

39 (9) "Department" means the department of enterprise services.

1 (10) "Director" means the director of the department of
2 enterprise services.

3 (11) "Estimated useful life" of an item means the estimated time
4 from the date of acquisition to the date of replacement or disposal,
5 determined in any reasonable manner.

6 (12) "Goods" means products, materials, supplies, or equipment
7 provided by a contractor.

8 (13) "In-state business" means a business that has its principal
9 office located in Washington.

10 (14) "Life-cycle cost" means the total cost of an item to the
11 state over its estimated useful life, including costs of selection,
12 acquisition, operation, maintenance, and where applicable, disposal,
13 as far as these costs can reasonably be determined, minus the salvage
14 value at the end of its estimated useful life.

15 (15) "Master contracts" means a contract for specific goods or
16 services, or both, that is solicited and established by the
17 department in accordance with procurement laws and rules on behalf of
18 and for general use by agencies as specified by the department.

19 (16) "Microbusiness" means any business entity, including a sole
20 proprietorship, corporation, partnership, or other legal entity,
21 that: (a) Is owned and operated independently from all other
22 businesses; and (b) has a gross revenue of less than one million
23 dollars annually as reported on its federal tax return or on its
24 return filed with the department of revenue.

25 (17) "Minibusiness" means any business entity, including a sole
26 proprietorship, corporation, partnership, or other legal entity,
27 that: (a) Is owned and operated independently from all other
28 businesses; and (b) has a gross revenue of less than three million
29 dollars, but one million dollars or more annually as reported on its
30 federal tax return or on its return filed with the department of
31 revenue.

32 (18) "Polychlorinated biphenyls" means any polychlorinated
33 biphenyl congeners and homologs.

34 (19) "Practical quantification limit" means the lowest
35 concentration that can be reliably measured within specified limits
36 of precision, accuracy, representativeness, completeness, and
37 comparability during routine laboratory operating conditions.

38 (20) "Purchase" means the acquisition of goods or services,
39 including the leasing or renting of goods.

1 (21) "Services" means labor, work, analysis, or similar
2 activities provided by a contractor to accomplish a specific scope of
3 work.

4 (22) "Small business" means an in-state business, including a
5 sole proprietorship, corporation, partnership, or other legal entity,
6 that:

7 (a) Certifies, under penalty of perjury, that it is owned and
8 operated independently from all other businesses and has either:

9 (i) Fifty or fewer employees; or

10 (ii) A gross revenue of less than seven million dollars annually
11 as reported on its federal income tax return or its return filed with
12 the department of revenue over the previous three consecutive years;
13 or

14 (b) Is certified with the office of women and minority business
15 enterprises under chapter 39.19 RCW.

16 (23) "Sole source" means a contractor providing goods or services
17 of such a unique nature or sole availability at the location required
18 that the contractor is clearly and justifiably the only practicable
19 source to provide the goods or services.

20 (24) "Washington grown" has the definition in RCW 15.64.060.

21 **Sec. 13.** RCW 41.06.020 and 2015 3rd sp.s. c 1 s 314 are each
22 amended to read as follows:

23 Unless the context clearly indicates otherwise, the words used in
24 this chapter have the meaning given in this section.

25 (1) "Affirmative action" means a procedure by which racial
26 minorities, women, persons in the protected age category, persons
27 with disabilities, Vietnam-era veterans, and disabled veterans are
28 provided with increased employment opportunities. It shall not mean
29 any sort of quota system.

30 (2) "Agency" means an office, department, board, commission, or
31 other separate unit or division, however designated, of the state
32 government and all personnel thereof; it includes any unit of state
33 government established by law, the executive officer or members of
34 which are either elected or appointed, upon which the statutes confer
35 powers and impose duties in connection with operations of either a
36 governmental or proprietary nature. "Agency" does not include a
37 comprehensive cancer center participating in a collaborative
38 arrangement as defined in section 2 of this act that is operated in
39 conformance with section 2 of this act.

1 (3) "Board" means the Washington personnel resources board
2 established under the provisions of RCW 41.06.110, except that this
3 definition does not apply to the words "board" or "boards" when used
4 in RCW 41.06.070.

5 (4) "Career development" means the progressive development of
6 employee capabilities to facilitate productivity, job satisfaction,
7 and upward mobility through work assignments as well as education and
8 training that are both state-sponsored and are achieved by individual
9 employee efforts, all of which shall be consistent with the needs and
10 obligations of the state and its agencies.

11 (5) "Classified service" means all positions in the state service
12 subject to the provisions of this chapter.

13 (6) "Comparable worth" means the provision of similar salaries
14 for positions that require or impose similar responsibilities,
15 judgments, knowledge, skills, and working conditions.

16 (7) "Competitive service" means all positions in the classified
17 service for which a competitive examination is required as a
18 condition precedent to appointment.

19 (8) "Department" means an agency of government that has as its
20 governing officer a person, or combination of persons such as a
21 commission, board, or council, by law empowered to operate the agency
22 responsible either to (a) no other public officer or (b) the
23 governor.

24 (9) "Director" means the director of financial management or the
25 director's designee.

26 (10) "Institutions of higher education" means the University of
27 Washington, Washington State University, Central Washington
28 University, Eastern Washington University, Western Washington
29 University, The Evergreen State College, and the various state
30 community colleges.

31 (11) "Noncompetitive service" means all positions in the
32 classified service for which a competitive examination is not
33 required.

34 (12) "Related boards" means the state board for community and
35 technical colleges; and such other boards, councils, and commissions
36 related to higher education as may be established.

37 (13) "Training" means activities designed to develop job-related
38 knowledge and skills of employees.

1 **Sec. 14.** RCW 42.17A.005 and 2020 c 152 s 2 are each amended to
2 read as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Actual malice" means to act with knowledge of falsity or
6 with reckless disregard as to truth or falsity.

7 (2) "Agency" includes all state agencies and all local agencies.
8 "State agency" includes every state office, department, division,
9 bureau, board, commission, or other state agency. "Local agency"
10 includes every county, city, town, municipal corporation, quasi-
11 municipal corporation, or special purpose district, or any office,
12 department, division, bureau, board, commission, or agency thereof,
13 or other local public agency. "Agency" does not include a
14 comprehensive cancer center participating in a collaborative
15 arrangement as defined in section 2 of this act that is operated in
16 conformance with section 2 of this act.

17 (3) "Authorized committee" means the political committee
18 authorized by a candidate, or by the public official against whom
19 recall charges have been filed, to accept contributions or make
20 expenditures on behalf of the candidate or public official.

21 (4) "Ballot proposition" means any "measure" as defined by RCW
22 29A.04.091, or any initiative, recall, or referendum proposition
23 proposed to be submitted to the voters of the state or any municipal
24 corporation, political subdivision, or other voting constituency from
25 and after the time when the proposition has been initially filed with
26 the appropriate election officer of that constituency before its
27 circulation for signatures.

28 (5) "Benefit" means a commercial, proprietary, financial,
29 economic, or monetary advantage, or the avoidance of a commercial,
30 proprietary, financial, economic, or monetary disadvantage.

31 (6) "Bona fide political party" means:

32 (a) An organization that has been recognized as a minor political
33 party by the secretary of state;

34 (b) The governing body of the state organization of a major
35 political party, as defined in RCW 29A.04.086, that is the body
36 authorized by the charter or bylaws of the party to exercise
37 authority on behalf of the state party; or

38 (c) The county central committee or legislative district
39 committee of a major political party. There may be only one

1 legislative district committee for each party in each legislative
2 district.

3 (7) "Books of account" means:

4 (a) In the case of a campaign or political committee, a ledger or
5 similar listing of contributions, expenditures, and debts, such as a
6 campaign or committee is required to file regularly with the
7 commission, current as of the most recent business day; or

8 (b) In the case of a commercial advertiser, details of political
9 advertising or electioneering communications provided by the
10 advertiser, including the names and addresses of persons from whom it
11 accepted political advertising or electioneering communications, the
12 exact nature and extent of the services rendered and the total cost
13 and the manner of payment for the services.

14 (8) "Candidate" means any individual who seeks nomination for
15 election or election to public office. An individual seeks nomination
16 or election when the individual first:

17 (a) Receives contributions or makes expenditures or reserves
18 space or facilities with intent to promote the individual's candidacy
19 for office;

20 (b) Announces publicly or files for office;

21 (c) Purchases commercial advertising space or broadcast time to
22 promote the individual's candidacy; or

23 (d) Gives consent to another person to take on behalf of the
24 individual any of the actions in (a) or (c) of this subsection.

25 (9) "Caucus political committee" means a political committee
26 organized and maintained by the members of a major political party in
27 the state senate or state house of representatives.

28 (10) "Commercial advertiser" means any person that sells the
29 service of communicating messages or producing material for broadcast
30 or distribution to the general public or segments of the general
31 public whether through brochures, fliers, newspapers, magazines,
32 television, radio, billboards, direct mail advertising, printing,
33 paid internet or digital communications, or any other means of mass
34 communications used for the purpose of appealing, directly or
35 indirectly, for votes or for financial or other support in any
36 election campaign.

37 (11) "Commission" means the agency established under RCW
38 42.17A.100.

1 (12) "Committee" unless the context indicates otherwise, includes
2 a political committee such as a candidate, ballot proposition,
3 recall, political, or continuing political committee.

4 (13) "Compensation" unless the context requires a narrower
5 meaning, includes payment in any form for real or personal property
6 or services of any kind. For the purpose of compliance with RCW
7 42.17A.710, "compensation" does not include per diem allowances or
8 other payments made by a governmental entity to reimburse a public
9 official for expenses incurred while the official is engaged in the
10 official business of the governmental entity.

11 (14) "Continuing political committee" means a political committee
12 that is an organization of continuing existence not limited to
13 participation in any particular election campaign or election cycle.

14 (15)(a) "Contribution" includes:

15 (i) A loan, gift, deposit, subscription, forgiveness of
16 indebtedness, donation, advance, pledge, payment, transfer of funds,
17 or anything of value, including personal and professional services
18 for less than full consideration;

19 (ii) An expenditure made by a person in cooperation,
20 consultation, or concert with, or at the request or suggestion of, a
21 candidate, a political or incidental committee, the person or persons
22 named on the candidate's or committee's registration form who direct
23 expenditures on behalf of the candidate or committee, or their
24 agents;

25 (iii) The financing by a person of the dissemination,
26 distribution, or republication, in whole or in part, of broadcast,
27 written, graphic, digital, or other form of political advertising or
28 electioneering communication prepared by a candidate, a political or
29 incidental committee, or its authorized agent;

30 (iv) Sums paid for tickets to fund-raising events such as dinners
31 and parties, except for the actual cost of the consumables furnished
32 at the event.

33 (b) "Contribution" does not include:

34 (i) Accrued interest on money deposited in a political or
35 incidental committee's account;

36 (ii) Ordinary home hospitality;

37 (iii) A contribution received by a candidate or political or
38 incidental committee that is returned to the contributor within ten
39 business days of the date on which it is received by the candidate or
40 political or incidental committee;

1 (iv) A news item, feature, commentary, or editorial in a
2 regularly scheduled news medium that is of interest to the public,
3 that is in a news medium controlled by a person whose business is
4 that news medium, and that is not controlled by a candidate or a
5 political or incidental committee;

6 (v) An internal political communication primarily limited to the
7 members of or contributors to a political party organization or
8 political or incidental committee, or to the officers, management
9 staff, or stockholders of a corporation or similar enterprise, or to
10 the members of a labor organization or other membership organization;

11 (vi) The rendering of personal services of the sort commonly
12 performed by volunteer campaign workers, or incidental expenses
13 personally incurred by volunteer campaign workers not in excess of
14 fifty dollars personally paid for by the worker. "Volunteer
15 services," for the purposes of this subsection, means services or
16 labor for which the individual is not compensated by any person;

17 (vii) Messages in the form of reader boards, banners, or yard or
18 window signs displayed on a person's own property or property
19 occupied by a person. However, a facility used for such political
20 advertising for which a rental charge is normally made must be
21 reported as an in-kind contribution and counts toward any applicable
22 contribution limit of the person providing the facility;

23 (viii) Legal or accounting services rendered to or on behalf of:

24 (A) A political party or caucus political committee if the person
25 paying for the services is the regular employer of the person
26 rendering such services; or

27 (B) A candidate or an authorized committee if the person paying
28 for the services is the regular employer of the individual rendering
29 the services and if the services are solely for the purpose of
30 ensuring compliance with state election or public disclosure laws; or

31 (ix) The performance of ministerial functions by a person on
32 behalf of two or more candidates or political or incidental
33 committees either as volunteer services defined in (b)(vi) of this
34 subsection or for payment by the candidate or political or incidental
35 committee for whom the services are performed as long as:

36 (A) The person performs solely ministerial functions;

37 (B) A person who is paid by two or more candidates or political
38 or incidental committees is identified by the candidates and
39 political committees on whose behalf services are performed as part

1 of their respective statements of organization under RCW 42.17A.205;
2 and

3 (C) The person does not disclose, except as required by law, any
4 information regarding a candidate's or committee's plans, projects,
5 activities, or needs, or regarding a candidate's or committee's
6 contributions or expenditures that is not already publicly available
7 from campaign reports filed with the commission, or otherwise engage
8 in activity that constitutes a contribution under (a)(ii) of this
9 subsection.

10 A person who performs ministerial functions under this subsection
11 (15)(b)(ix) is not considered an agent of the candidate or committee
12 as long as the person has no authority to authorize expenditures or
13 make decisions on behalf of the candidate or committee.

14 (c) Contributions other than money or its equivalent are deemed
15 to have a monetary value equivalent to the fair market value of the
16 contribution. Services or property or rights furnished at less than
17 their fair market value for the purpose of assisting any candidate or
18 political committee are deemed a contribution. Such a contribution
19 must be reported as an in-kind contribution at its fair market value
20 and counts towards any applicable contribution limit of the provider.

21 (16) "Depository" means a bank, mutual savings bank, savings and
22 loan association, or credit union doing business in this state.

23 (17) "Elected official" means any person elected at a general or
24 special election to any public office, and any person appointed to
25 fill a vacancy in any such office.

26 (18) "Election" includes any primary, general, or special
27 election for public office and any election in which a ballot
28 proposition is submitted to the voters. An election in which the
29 qualifications for voting include other than those requirements set
30 forth in Article VI, section 1 (Amendment 63) of the Constitution of
31 the state of Washington shall not be considered an election for
32 purposes of this chapter.

33 (19) "Election campaign" means any campaign in support of or in
34 opposition to a candidate for election to public office and any
35 campaign in support of, or in opposition to, a ballot proposition.

36 (20) "Election cycle" means the period beginning on the first day
37 of January after the date of the last previous general election for
38 the office that the candidate seeks and ending on December 31st after
39 the next election for the office. In the case of a special election
40 to fill a vacancy in an office, "election cycle" means the period

1 beginning on the day the vacancy occurs and ending on December 31st
2 after the special election.

3 (21)(a) "Electioneering communication" means any broadcast,
4 cable, or satellite television, radio transmission, digital
5 communication, United States postal service mailing, billboard,
6 newspaper, or periodical that:

7 (i) Clearly identifies a candidate for a state, local, or
8 judicial office either by specifically naming the candidate, or
9 identifying the candidate without using the candidate's name;

10 (ii) Is broadcast, transmitted electronically or by other means,
11 mailed, erected, distributed, or otherwise published within sixty
12 days before any election for that office in the jurisdiction in which
13 the candidate is seeking election; and

14 (iii) Either alone, or in combination with one or more
15 communications identifying the candidate by the same sponsor during
16 the sixty days before an election, has a fair market value or cost of
17 one thousand dollars or more.

18 (b) "Electioneering communication" does not include:

19 (i) Usual and customary advertising of a business owned by a
20 candidate, even if the candidate is mentioned in the advertising when
21 the candidate has been regularly mentioned in that advertising
22 appearing at least twelve months preceding the candidate becoming a
23 candidate;

24 (ii) Advertising for candidate debates or forums when the
25 advertising is paid for by or on behalf of the debate or forum
26 sponsor, so long as two or more candidates for the same position have
27 been invited to participate in the debate or forum;

28 (iii) A news item, feature, commentary, or editorial in a
29 regularly scheduled news medium that is:

30 (A) Of interest to the public;

31 (B) In a news medium controlled by a person whose business is
32 that news medium; and

33 (C) Not a medium controlled by a candidate or a political or
34 incidental committee;

35 (iv) Slate cards and sample ballots;

36 (v) Advertising for books, films, dissertations, or similar works
37 (A) written by a candidate when the candidate entered into a contract
38 for such publications or media at least twelve months before becoming
39 a candidate, or (B) written about a candidate;

40 (vi) Public service announcements;

1 (vii) An internal political communication primarily limited to
2 the members of or contributors to a political party organization or
3 political or incidental committee, or to the officers, management
4 staff, or stockholders of a corporation or similar enterprise, or to
5 the members of a labor organization or other membership organization;

6 (viii) An expenditure by or contribution to the authorized
7 committee of a candidate for state, local, or judicial office; or

8 (ix) Any other communication exempted by the commission through
9 rule consistent with the intent of this chapter.

10 (22) "Expenditure" includes a payment, contribution,
11 subscription, distribution, loan, advance, deposit, or gift of money
12 or anything of value, and includes a contract, promise, or agreement,
13 whether or not legally enforceable, to make an expenditure.
14 "Expenditure" also includes a promise to pay, a payment, or a
15 transfer of anything of value in exchange for goods, services,
16 property, facilities, or anything of value for the purpose of
17 assisting, benefiting, or honoring any public official or candidate,
18 or assisting in furthering or opposing any election campaign. For the
19 purposes of this chapter, agreements to make expenditures, contracts,
20 and promises to pay may be reported as estimated obligations until
21 actual payment is made. "Expenditure" shall not include the partial
22 or complete repayment by a candidate or political or incidental
23 committee of the principal of a loan, the receipt of which loan has
24 been properly reported.

25 (23) "Final report" means the report described as a final report
26 in RCW 42.17A.235(11) (a).

27 (24) "Foreign national" means:

28 (a) An individual who is not a citizen of the United States and
29 is not lawfully admitted for permanent residence;

30 (b) A government, or subdivision, of a foreign country;

31 (c) A foreign political party; and

32 (d) Any entity, such as a partnership, association, corporation,
33 organization, or other combination of persons, that is organized
34 under the laws of or has its principal place of business in a foreign
35 country.

36 (25) "General election" for the purposes of RCW 42.17A.405 means
37 the election that results in the election of a person to a state or
38 local office. It does not include a primary.

39 (26) "Gift" has the definition in RCW 42.52.010.

1 (27) "Immediate family" includes the spouse or domestic partner,
2 dependent children, and other dependent relatives, if living in the
3 household. For the purposes of the definition of "intermediary" in
4 this section, "immediate family" means an individual's spouse or
5 domestic partner, and child, stepchild, grandchild, parent,
6 stepparent, grandparent, brother, half brother, sister, or half
7 sister of the individual and the spouse or the domestic partner of
8 any such person and a child, stepchild, grandchild, parent,
9 stepparent, grandparent, brother, half brother, sister, or half
10 sister of the individual's spouse or domestic partner and the spouse
11 or the domestic partner of any such person.

12 (28) "Incidental committee" means any nonprofit organization not
13 otherwise defined as a political committee but that may incidentally
14 make a contribution or an expenditure in excess of the reporting
15 thresholds in RCW 42.17A.235, directly or through a political
16 committee. Any nonprofit organization is not an incidental committee
17 if it is only remitting payments through the nonprofit organization
18 in an aggregated form and the nonprofit organization is not required
19 to report those payments in accordance with this chapter.

20 (29) "Incumbent" means a person who is in present possession of
21 an elected office.

22 (30)(a) "Independent expenditure" means an expenditure that has
23 each of the following elements:

24 (i) It is made in support of or in opposition to a candidate for
25 office by a person who is not:

26 (A) A candidate for that office;

27 (B) An authorized committee of that candidate for that office;

28 and

29 (C) A person who has received the candidate's encouragement or
30 approval to make the expenditure, if the expenditure pays in whole or
31 in part for political advertising supporting that candidate or
32 promoting the defeat of any other candidate or candidates for that
33 office;

34 (ii) It is made in support of or in opposition to a candidate for
35 office by a person with whom the candidate has not collaborated for
36 the purpose of making the expenditure, if the expenditure pays in
37 whole or in part for political advertising supporting that candidate
38 or promoting the defeat of any other candidate or candidates for that
39 office;

1 (iii) The expenditure pays in whole or in part for political
2 advertising that either specifically names the candidate supported or
3 opposed, or clearly and beyond any doubt identifies the candidate
4 without using the candidate's name; and

5 (iv) The expenditure, alone or in conjunction with another
6 expenditure or other expenditures of the same person in support of or
7 opposition to that candidate, has a value of one thousand dollars or
8 more. A series of expenditures, each of which is under one thousand
9 dollars, constitutes one independent expenditure if their cumulative
10 value is one thousand dollars or more.

11 (b) "Independent expenditure" does not include: Ordinary home
12 hospitality; communications with journalists or editorial staff
13 designed to elicit a news item, feature, commentary, or editorial in
14 a regularly scheduled news medium that is of primary interest to the
15 general public, controlled by a person whose business is that news
16 medium, and not controlled by a candidate or a political committee;
17 participation in the creation of a publicly funded voters' pamphlet
18 statement in written or video form; an internal political
19 communication primarily limited to contributors to a political party
20 organization or political action committee, the officers, management
21 staff, and stockholders of a corporation or similar enterprise, or
22 the members of a labor organization or other membership organization;
23 or the rendering of personal services of the sort commonly performed
24 by volunteer campaign workers or incidental expenses personally
25 incurred by volunteer campaign workers not in excess of two hundred
26 fifty dollars personally paid for by the worker.

27 (31)(a) "Intermediary" means an individual who transmits a
28 contribution to a candidate or committee from another person unless
29 the contribution is from the individual's employer, immediate family,
30 or an association to which the individual belongs.

31 (b) A treasurer or a candidate is not an intermediary for
32 purposes of the committee that the treasurer or candidate serves.

33 (c) A professional fund-raiser is not an intermediary if the
34 fund-raiser is compensated for fund-raising services at the usual and
35 customary rate.

36 (d) A volunteer hosting a fund-raising event at the individual's
37 home is not an intermediary for purposes of that event.

38 (32) "Legislation" means bills, resolutions, motions, amendments,
39 nominations, and other matters pending or proposed in either house of
40 the state legislature, and includes any other matter that may be the

1 subject of action by either house or any committee of the legislature
2 and all bills and resolutions that, having passed both houses, are
3 pending approval by the governor.

4 (33) "Legislative office" means the office of a member of the
5 state house of representatives or the office of a member of the state
6 senate.

7 (34) "Lobby" and "lobbying" each mean attempting to influence the
8 passage or defeat of any legislation by the legislature of the state
9 of Washington, or the adoption or rejection of any rule, standard,
10 rate, or other legislative enactment of any state agency under the
11 state administrative procedure act, chapter 34.05 RCW. Neither
12 "lobby" nor "lobbying" includes an association's or other
13 organization's act of communicating with the members of that
14 association or organization.

15 (35) "Lobbyist" includes any person who lobbies either on the
16 person's own or another's behalf.

17 (36) "Lobbyist's employer" means the person or persons by whom a
18 lobbyist is employed and all persons by whom the lobbyist is
19 compensated for acting as a lobbyist.

20 (37) "Ministerial functions" means an act or duty carried out as
21 part of the duties of an administrative office without exercise of
22 personal judgment or discretion.

23 (38) "Participate" means that, with respect to a particular
24 election, an entity:

25 (a) Makes either a monetary or in-kind contribution to a
26 candidate;

27 (b) Makes an independent expenditure or electioneering
28 communication in support of or opposition to a candidate;

29 (c) Endorses a candidate before contributions are made by a
30 subsidiary corporation or local unit with respect to that candidate
31 or that candidate's opponent;

32 (d) Makes a recommendation regarding whether a candidate should
33 be supported or opposed before a contribution is made by a subsidiary
34 corporation or local unit with respect to that candidate or that
35 candidate's opponent; or

36 (e) Directly or indirectly collaborates or consults with a
37 subsidiary corporation or local unit on matters relating to the
38 support of or opposition to a candidate, including, but not limited
39 to, the amount of a contribution, when a contribution should be
40 given, and what assistance, services or independent expenditures, or

1 electioneering communications, if any, will be made or should be made
2 in support of or opposition to a candidate.

3 (39) "Person" includes an individual, partnership, joint venture,
4 public or private corporation, association, federal, state, or local
5 governmental entity or agency however constituted, candidate,
6 committee, political committee, political party, executive committee
7 thereof, or any other organization or group of persons, however
8 organized.

9 (40) "Political advertising" includes any advertising displays,
10 newspaper ads, billboards, signs, brochures, articles, tabloids,
11 flyers, letters, radio or television presentations, digital
12 communication, or other means of mass communication, used for the
13 purpose of appealing, directly or indirectly, for votes or for
14 financial or other support or opposition in any election campaign.

15 (41) "Political committee" means any person (except a candidate
16 or an individual dealing with the candidate's or individual's own
17 funds or property) having the expectation of receiving contributions
18 or making expenditures in support of, or opposition to, any candidate
19 or any ballot proposition.

20 (42) "Primary" for the purposes of RCW 42.17A.405 means the
21 procedure for nominating a candidate to state or local office under
22 chapter 29A.52 RCW or any other primary for an election that uses, in
23 large measure, the procedures established in chapter 29A.52 RCW.

24 (43) "Public office" means any federal, state, judicial, county,
25 city, town, school district, port district, special district, or
26 other state political subdivision elective office.

27 (44) "Public record" has the definition in RCW 42.56.010.

28 (45) "Recall campaign" means the period of time beginning on the
29 date of the filing of recall charges under RCW 29A.56.120 and ending
30 thirty days after the recall election.

31 (46) "Remediable violation" means any violation of this chapter
32 that:

33 (a) Involved expenditures or contributions totaling no more than
34 the contribution limits set out under RCW 42.17A.405(2) per election,
35 or one thousand dollars if there is no statutory limit;

36 (b) Occurred:

37 (i) More than thirty days before an election, where the
38 commission entered into an agreement to resolve the matter; or

39 (ii) At any time where the violation did not constitute a
40 material violation because it was inadvertent and minor or otherwise

1 has been cured and, after consideration of all the circumstances,
2 further proceedings would not serve the purposes of this chapter;

3 (c) Does not materially harm the public interest, beyond the harm
4 to the policy of this chapter inherent in any violation; and

5 (d) Involved:

6 (i) A person who:

7 (A) Took corrective action within five business days after the
8 commission first notified the person of noncompliance, or where the
9 commission did not provide notice and filed a required report within
10 twenty-one days after the report was due to be filed; and

11 (B) Substantially met the filing deadline for all other required
12 reports within the immediately preceding twelve-month period; or

13 (ii) A candidate who:

14 (A) Lost the election in question; and

15 (B) Did not receive contributions over one hundred times the
16 contribution limit in aggregate per election during the campaign in
17 question.

18 (47) (a) "Sponsor" for purposes of an electioneering
19 communications, independent expenditures, or political advertising
20 means the person paying for the electioneering communication,
21 independent expenditure, or political advertising. If a person acts
22 as an agent for another or is reimbursed by another for the payment,
23 the original source of the payment is the sponsor.

24 (b) "Sponsor," for purposes of a political or incidental
25 committee, means any person, except an authorized committee, to whom
26 any of the following applies:

27 (i) The committee receives eighty percent or more of its
28 contributions either from the person or from the person's members,
29 officers, employees, or shareholders;

30 (ii) The person collects contributions for the committee by use
31 of payroll deductions or dues from its members, officers, or
32 employees.

33 (48) "Sponsored committee" means a committee, other than an
34 authorized committee, that has one or more sponsors.

35 (49) "State office" means state legislative office or the office
36 of governor, lieutenant governor, secretary of state, attorney
37 general, commissioner of public lands, insurance commissioner,
38 superintendent of public instruction, state auditor, or state
39 treasurer.

40 (50) "State official" means a person who holds a state office.

1 (51) "Surplus funds" mean, in the case of a political committee
2 or candidate, the balance of contributions that remain in the
3 possession or control of that committee or candidate subsequent to
4 the election for which the contributions were received, and that are
5 in excess of the amount necessary to pay remaining debts or expenses
6 incurred by the committee or candidate with respect to that election.
7 In the case of a continuing political committee, "surplus funds" mean
8 those contributions remaining in the possession or control of the
9 committee that are in excess of the amount necessary to pay all
10 remaining debts or expenses when it makes its final report under RCW
11 42.17A.255.

12 (52) "Technical correction" means the correction of a minor or
13 ministerial error in a required report that does not materially harm
14 the public interest and needs to be corrected for the report to be in
15 full compliance with the requirements of this chapter.

16 (53) "Treasurer" and "deputy treasurer" mean the individuals
17 appointed by a candidate or political or incidental committee,
18 pursuant to RCW 42.17A.210, to perform the duties specified in that
19 section.

20 (54) "Violation" means a violation of this chapter that is not a
21 remediable violation, minor violation, or an error classified by the
22 commission as appropriate to address by a technical correction.

23 **Sec. 15.** RCW 42.52.010 and 2011 c 60 s 28 are each reenacted and
24 amended to read as follows:

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter.

27 (1) "Agency" means any state board, commission, bureau,
28 committee, department, institution, division, or tribunal in the
29 legislative, executive, or judicial branch of state government.
30 "Agency" includes all elective offices, the state legislature, those
31 institutions of higher education created and supported by the state
32 government, and those courts that are parts of state government.
33 "Agency" does not include a comprehensive cancer center participating
34 in a collaborative arrangement as defined in section 2 of this act
35 that is operated in conformance with section 2 of this act.

36 (2) "Assist" means to act, or offer or agree to act, in such a
37 way as to help, aid, advise, furnish information to, or otherwise
38 provide assistance to another person, believing that the action is of

1 help, aid, advice, or assistance to the person and with intent so to
2 assist such person.

3 (3) "Beneficial interest" has the meaning ascribed to it under
4 the Washington case law. However, an ownership interest in a mutual
5 fund or similar investment pooling fund in which the owner has no
6 management powers does not constitute a beneficial interest in the
7 entities in which the fund or pool invests.

8 (4) "Compensation" means anything of economic value, however
9 designated, that is paid, loaned, granted, or transferred, or to be
10 paid, loaned, granted, or transferred for, or in consideration of,
11 personal services to any person.

12 (5) "Confidential information" means (a) specific information,
13 rather than generalized knowledge, that is not available to the
14 general public on request or (b) information made confidential by
15 law.

16 (6) "Contract" or "grant" means an agreement between two or more
17 persons that creates an obligation to do or not to do a particular
18 thing. "Contract" or "grant" includes, but is not limited to, an
19 employment contract, a lease, a license, a purchase agreement, or a
20 sales agreement.

21 (7) "Ethics boards" means the commission on judicial conduct, the
22 legislative ethics board, and the executive ethics board.

23 (8) "Family" has the same meaning as "immediate family" in RCW
24 42.17A.005.

25 (9) "Gift" means anything of economic value for which no
26 consideration is given. "Gift" does not include:

27 (a) Items from family members or friends where it is clear beyond
28 a reasonable doubt that the gift was not made as part of any design
29 to gain or maintain influence in the agency of which the recipient is
30 an officer or employee;

31 (b) Items related to the outside business of the recipient that
32 are customary and not related to the recipient's performance of
33 official duties;

34 (c) Items exchanged among officials and employees or a social
35 event hosted or sponsored by a state officer or state employee for
36 coworkers;

37 (d) Payments by a governmental or nongovernmental entity of
38 reasonable expenses incurred in connection with a speech,
39 presentation, appearance, or trade mission made in an official
40 capacity. As used in this subsection, "reasonable expenses" are

1 limited to travel, lodging, and subsistence expenses incurred the day
2 before through the day after the event;

3 (e) Items a state officer or state employee is authorized by law
4 to accept;

5 (f) Payment of enrollment and course fees and reasonable travel
6 expenses attributable to attending seminars and educational programs
7 sponsored by a bona fide governmental or nonprofit professional,
8 educational, trade, or charitable association or institution. As used
9 in this subsection, "reasonable expenses" are limited to travel,
10 lodging, and subsistence expenses incurred the day before through the
11 day after the event;

12 (g) Items returned by the recipient to the donor within thirty
13 days of receipt or donated to a charitable organization within thirty
14 days of receipt;

15 (h) Campaign contributions reported under chapter 42.17A RCW;

16 (i) Discounts available to an individual as a member of an
17 employee group, occupation, or similar broad-based group; and

18 (j) Awards, prizes, scholarships, or other items provided in
19 recognition of academic or scientific achievement.

20 (10) "Head of agency" means the chief executive officer of an
21 agency. In the case of an agency headed by a commission, board,
22 committee, or other body consisting of more than one natural person,
23 agency head means the person or board authorized to appoint agency
24 employees and regulate their conduct.

25 (11) "Honorarium" means money or thing of value offered to a
26 state officer or state employee for a speech, appearance, article, or
27 similar item or activity in connection with the state officer's or
28 state employee's official role.

29 (12) "Official duty" means those duties within the specific scope
30 of employment of the state officer or state employee as defined by
31 the officer's or employee's agency or by statute or the state
32 Constitution.

33 (13) "Participate" means to participate in state action or a
34 proceeding personally and substantially as a state officer or state
35 employee, through approval, disapproval, decision, recommendation,
36 the rendering of advice, investigation, or otherwise but does not
37 include preparation, consideration, or enactment of legislation or
38 the performance of legislative duties.

1 (14) "Person" means any individual, partnership, association,
2 corporation, firm, institution, or other entity, whether or not
3 operated for profit.

4 (15) "Regulatory agency" means any state board, commission,
5 department, or officer, except those in the legislative or judicial
6 branches, authorized by law to conduct adjudicative proceedings,
7 issue permits or licenses, or to control or affect interests of
8 identified persons.

9 (16) "Responsibility" in connection with a transaction involving
10 the state, means the direct administrative or operating authority,
11 whether intermediate or final, and either exercisable alone or
12 through subordinates, effectively to approve, disapprove, or
13 otherwise direct state action in respect of such transaction.

14 (17) "State action" means any action on the part of an agency,
15 including, but not limited to:

16 (a) A decision, determination, finding, ruling, or order; and

17 (b) A grant, payment, award, license, contract, transaction,
18 sanction, or approval, or the denial thereof, or failure to act with
19 respect to a decision, determination, finding, ruling, or order.

20 (18) "State employee" means an individual who is employed by an
21 agency in any branch of state government. For purposes of this
22 chapter, employees of the superior courts are not state officers or
23 state employees.

24 (19) "State officer" means every person holding a position of
25 public trust in or under an executive, legislative, or judicial
26 office of the state. "State officer" includes judges of the superior
27 court, judges of the court of appeals, justices of the supreme court,
28 members of the legislature together with the secretary of the senate
29 and the chief clerk of the house of representatives, holders of
30 elective offices in the executive branch of state government, chief
31 executive officers of state agencies, members of boards, commissions,
32 or committees with authority over one or more state agencies or
33 institutions, and employees of the state who are engaged in
34 supervisory, policy-making, or policy-enforcing work. For the
35 purposes of this chapter, "state officer" also includes any person
36 exercising or undertaking to exercise the powers or functions of a
37 state officer.

38 (20) "Thing of economic value," in addition to its ordinary
39 meaning, includes:

1 (a) A loan, property interest, interest in a contract or other
2 chose in action, and employment or another arrangement involving a
3 right to compensation;

4 (b) An option, irrespective of the conditions to the exercise of
5 the option; and

6 (c) A promise or undertaking for the present or future delivery
7 or procurement.

8 (21)(a) "Transaction involving the state" means a proceeding,
9 application, submission, request for a ruling or other determination,
10 contract, claim, case, or other similar matter that the state
11 officer, state employee, or former state officer or state employee in
12 question believes, or has reason to believe:

13 (i) Is, or will be, the subject of state action; or

14 (ii) Is one to which the state is or will be a party; or

15 (iii) Is one in which the state has a direct and substantial
16 proprietary interest.

17 (b) "Transaction involving the state" does not include the
18 following: Preparation, consideration, or enactment of legislation,
19 including appropriation of moneys in a budget, or the performance of
20 legislative duties by an officer or employee; or a claim, case,
21 lawsuit, or similar matter if the officer or employee did not
22 participate in the underlying transaction involving the state that is
23 the basis for the claim, case, or lawsuit.

24 (22) "University" includes "state universities" and "regional
25 universities" as defined in RCW 28B.10.016 and also includes any
26 research or technology institute affiliated with a university(~~(7~~
27 ~~including without limitation, the Spokane intercollegiate research~~
28 ~~and technology institute and the Washington technology center))~~).

29 (23) "University research employee" means a state officer or
30 state employee employed by a university, but only to the extent the
31 state officer or state employee is engaged in research, technology
32 transfer, approved consulting activities related to research and
33 technology transfer, or other incidental activities.

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